

REMARKS

Claims 1-4 were rejected as unpatentable over the admitted prior art (APA) in view of VON BASSE UK 2 030 768. Reconsideration and withdrawal of the rejection are respectfully requested.

The Official Action points to VON BASSE for the suggestion to make the gate insulating film of the MOS type varactor element thinner than the thinnest gate insulating film among the gate insulating films of the MOS transistors.

VON BASSE discloses a storage element that includes a transistor and a depletion-type varactor that is a storage capacitor. The reference states that the depletion-type varactor can be produced by reducing the thickness of the gate oxide layer (GOS) of the capacitor. However, the text of the reference does not disclose the thickness of the gate oxide layer (IS) of the transistor. Indeed, the text of the reference is conspicuously silent about the thickness of the layer IS of the transistor.

Figure 2 of the reference provides the missing information: in contrast to what is stated in the Official Action, the layer GOS and the layer IS shown in Figure 2 are exactly the same thickness. The Official Action states that the thickness of the layer GOS is reduced in comparison to layer IS "as clearly shown in Figure 2." However, this is not correct as the lines defining the tops of layers GOS and IS are aligned with each other, as are the lines defining the bottoms of layers GOS

and IS. The layers GOS and IS are the same thickness. The only layer that is clearly thinner than the layer IS is the inversion layer IV (JV in Figure 2).

Accordingly, the reference suggests reducing the thickness of the GOS layer and the thickness of the IS layer the same amount. There is no suggestion in the reference to make the GOS layer thinner than the IS layer. Thus, there is no suggestion in the combination to make the gate insulating film of the MOS type varactor element thinner than the thinnest gate insulating film among the gate insulating films of the MOS transistors and the claims avoid the rejection under §103.

The dependent claims are allowable for the same reason.

In view of the foregoing remarks, it is believed that the present application is in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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